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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/688,836	10/17/2003	Zachary Utz	D-1189	9439
28995	7590	09/07/2007		
RALPH E. JOCKE walker & jocke LPA 231 SOUTH BROADWAY MEDINA, OH 44256			EXAMINER TRAIL, ALLYSON NEEL	
			ART UNIT 2876	PAPER NUMBER
			MAIL DATE 09/07/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/688,836

Applicant(s)

UTZ ET AL.

Examiner

Allyson N. Trail

Art Unit

2876

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 July 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 28, 29 and 32 is/are allowed.
- 6) ☒ Claim(s) 1-5, 10-17, 22-26, 30, 31, 33, and 34 is/are rejected.
- 7) ☒ Claim(s) 6-9, 18-21 and 27 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

DETAILED ACTION

Amendment

1. Receipt is acknowledged of the Amendment filed July 11, 2007.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claim 1-3 and 10-12 are rejected under 35 U.S.C. 102(b) as being anticipated by Anma (5,499,805).

With respect to claim 1, Anma illustrates in figure 1 an automated banking machine including a housing 2.

Figure 1 further shows in opening 7 in the housing wherein deposit items are accepted into the housing through the opening.

Column 5, lines 13-25 disclose that the housing includes a container 454 having an interior area. The container is described to be in operative connection with the opening such that deposit items passed into the housing through the opening are movable into the interior area.

Column 5, lines 13-25 further teach a movable shaker member (floor 407). The floor is bound in the interior area of the container and the deposit items in the interior area are in supporting connection with the moveable shaker member.

Although an actuator is not mentioned by name, it is clear that some type of mechanical device must be used in order to make the floor to vibrate. The floor cannot vibrate without some mechanism forcing the vibration. Column 5, lines 13-25 teach that the shaker member causes shaking of deposited items.

With respect to claim 2, because the movable shaker member is the vibrating floor, clearly the floor is resilient.

With respect to claim 3, the movable shaker member is the floor which clearly extends across a lower portion of the container.

With respect to claim 10, figure 2 discloses the container 454 including a bottom wall underlying the membrane 407 and an upper wall 3b generally opposed of the bottom wall. The upper wall includes an upper wall opening 7, wherein deposit items entering the interior area pass through the upper wall opening.

With respect to claim 11 the apparatus includes a security plate 8 (shutter), which extends in intermediate relation between the upper wall opening 7 and the membrane 407.

With respect to claim 12, figure 2 illustrates multiple transport paths identified by the letter "R". As can be seen in the figure, the banknotes "A" are moved from the opening 7 and eventually are conveyed on a horizontal path R2.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 4, 13-17, 22-26, 30, 31, 33, and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Anma in view of Kosugi (2002/0079361).

Anma's teachings are discussed above. With respect to claims 24 and 31 Anma discloses a blocking or security plate(shutter) 8. Anma's teachings above however fail to specifically teach the container being removably mounted within the housing.

Although Anma discloses a container 454, Anma does not specifically teach a chest portion.

With respect to claims 4, 13, 22, and 30, Kosugi teaches a bill handling machine (title). In paragraph 0024 it is additionally taught that the container in the housing is removably mounted within the housing. When the container is removed a chest portion will remain.

In view of Kosugi's teachings, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to allow the container taught by Anma to be removed in such a way as is taught by Kosugi. Kosugi teaches in paragraph 0024 that if the container becomes full it can be removed and emptied. Therefore if the apparatus taught by Anma became full due to any transport path problems inside the apparatus, one would be motivated to be able to remove the container so that it can be emptied.

Regarding claims 14, 23, 31, 33, and 34 Anma teaches above the apparatus including a cash acceptor mechanism adapted to receive notes through the opening, a container, an accepting opening, an upper wall corresponding to the cash accepting

opening, and wherein the cash acceptor mechanism is mounted in the machine outside the container. Anma further teaches, with regards to claims 31, 33, and 34 a user interface including card insertion slot 5 and a cash receiving/dispensing opening 7 (see figure 1). With respect to claims 15, 16, and 26, Anma teaches above a horizontal transport R2. Figure 2 shows drivers (conveyor belts and rollers). The various drivers are engaged starting from the cash accepting opening to the horizontal transport. Anma's teachings however fail to teach the container being removable mounted in the chest portion (see Kosugi's teachings above) and a bill judging section to determine genuine notes and to identify suspect notes and store them in a storage area.

With respect to claims 14 and 23, Kosugi discloses in paragraph 0020, including a cash acceptor mechanism and a chest portion, wherein the container is removably mounted in the chest portion. The apparatus includes a bill or money receiving/paying section 1, a bill transport path 2 to transport bills to respective sections of the bill handling machine, and a bill judge section 3 to make decision for truth or falsehood as well, as a kind of each bill, to determine a bill appropriate for the payment, and to determine a bill as a rejected bill not suitable for the payment.

With respect to claims 17 and 25, Kosugi discloses in paragraph 0025 identifying suspect notes and storing the suspect notes in a storage area.

In view of Kosugi's teachings, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to include the feature of determining genuine and suspect notes in such a way as is taught by Kosugi. Although this function is not disclosed by Anma, clearly one would be motivated to distinguish

between valid and not valid banknotes in order to ensure that the current transaction is valid.

6. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Anna in combination with Kosugi and in further view of Bowling (6,292,960).

Anna's teachings in combination with the teachings of Kosugi are discussed above. The combination however, fails to specifically teach the container including a rollable support.

With respect to claim 5, Bowling illustrates in 4a internal drawers which are removed via roller tracks. Figure 3b illustrates a first set of rollers 72.

In view of Bowling's teachings, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to use a rollable support, taught by Bowling, to remove the container taught by Anna in combination with Kosugi. Kosugi teaches above removing the container (drawer) in the banking machine. The method of removal however is not specifically taught. One would be motivated to use a rollable support for removing the container in order to easily remove the container from the machine.

Allowable Subject Matter

7. Claims 6-9, 18-21, and 27 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form, including all of the limitations of the base claim and any intervening claims.

8. Claims 28, 29, and 32 are allowable over prior art.

The following is an examiner's for allowance: Although Anna teaches an automated banking machine apparatus including a housing, an opening in the housing, a container in the housing, a moveable shaker member, and an actuator, the above identified prior art of record, taken alone, or in combination with any other prior art, fails to teach or fairly suggest the specific features of claims 6-9, 18-21, 27-29, and 32 of the present claimed invention. Specifically prior art fails to teach the automated banking machine apparatus wherein the container further includes a telescoping handle, wherein the telescoping handle is extendable when the container is moved outside of the housing and is adapted to move the container away from the housing with the container supported on the rollable support. Although prior art teaches the shaker member comprising a resilient membrane extending across a lower portion of the container, prior art does not include the apparatus further including a rigid plate, which extends in an underlying relation of the resilient membrane and wherein the actuator operates to move the rigid plate. Prior art further fails to specifically teach the chest portion being generally L-shaped in cross section and that the chest portion including both a cash dispenser and acceptor mechanism which are mounted in a generally side-by-side relation. Lastly, prior art fails to teach the apparatus including at least one flexible support operatively extending between the bottom wall and the rigid plate and the connection between and configuration of the actuator and the rigid plate. The above limitations are not disclosed in prior art and moreover, one of ordinary skill in the art would not have been motivated to come to the claimed invention.

Response to Arguments

9. Applicant's arguments filed July 11, 2007 have been considered but are moot in view of the new ground(s) of rejection. Anma clearly teaches a movable shaker member bounding the interior area of the container, wherein deposit items in the interior area are in supporting connection with the moveable shaker member.

Conclusion

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to *Allyson N. Trail* whose telephone number is (571) 272-2406. The examiner can normally be reached between the hours of 7:30AM to 4:00PM Monday thru Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee, can be reached on (571) 272-2398. The fax phone number for this Group is (571) 273-8300.

Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [allyson.trail@uspto.gov].

All Internet e-mail communications will be made of record in the application file.

PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

AJ

Allyson N. Trail
Patent Examiner
Art Unit 2876
August 27, 2007



THIEN M. LE
PRIMARY EXAMINER